

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Julius Smiley,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 09-2039-TLW-PJG
	)	
SCDC;	)	
Jon Ozmint, State Commissioner of Corrections;	)	
Warden Robert Stevenson;	)	
Associate Warden Cartledge;	)	
Major Sutton;	)	
Shift Captains;	)	
Shift Lieutenants; and	)	
Shift Sergeants;	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

On August 4, 2009, the plaintiff, Julius Smiley, (“plaintiff”) proceeding *pro se*, brought this action pursuant to 42 U.S.C. § 1983. (Doc. #1). The case was referred to Magistrate Judge Paige J. Gossett pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #16). On September 28, 2009 the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that “the petition be partially summarily dismissed without prejudice and without issuance and service of process as to SCDC, Shift Captains, Shift Lieutenants, and Shift Sergeants.” (Doc. #16). The plaintiff filed no objections to the report. Objections were due on October 16,

2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #16).

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

December 11, 2009  
Florence, South Carolina